

17061

*Sarge*

**DECISION**



**THE COMPTROLLER GENERAL  
OF THE UNITED STATES  
WASHINGTON, D. C. 20548**

**FILE:** B-201277

**DATE:** February 20, 1981

**MATTER OF:** (Claim for excess storage costs of household goods under Meritorious Claims Act of 1928, 31 U.S.C. § 236 (1976))

**DIGEST:** No basis exists for paying claim for storage costs in excess of 60 days or reporting it to Congress under the Meritorious Claims Act of 1928, 31 U.S.C. § 236 (1976), where excess costs resulted from delay in purchase of house by claimant, assertedly caused by discrimination against claimant by seller of house, and Government played no role in delay.

In a letter dated November 6, 1980, from Thomas M. Payne, (he asserts a claim for the unreimbursed costs of storing his household goods) For the reasons stated below, we find no basis which would justify either paying the claim or reporting it to Congress under the Meritorious Claims Act of 1928, 31 U.S.C. § 236 (1976).

Mr. Payne's household effects remained in storage from November 9, 1979, to October 7, 1980, incident to his transfer to his present position with the Department of Housing and Urban Development (HUD). HUD, through the General Services Administration (GSA), paid the storage costs on the goods for 60 days, from November 9, 1979, to January 8, 1980. However, Mr. Payne asserts that he is entitled to reimbursement for the additional period of January 8 to October 7, 1980.

The claimant states that his attempt to purchase a house in December 1979 was thwarted as a result of discrimination against him and his family by the seller of the house he had planned to buy. Mr. Payne filed a discrimination complaint concerning the incident with HUD in December 1979. The record of that complaint shows that the seller agreed to convey the house to Mr. Payne as a result of a settlement reached in May 1980. However, it appears that the claimant did not take possession of the house until September 1980.

GSA paid the storage costs incident to the job transfer for a period of 60 days, as authorized by FTR para. 2-8.2c. Except for a situation not relevant to this case, there is no authority to reimburse an employee for the expense of temporarily storing household goods in excess of 60 days. B-182648, December 8, 1975. Accordingly, Mr. Payne's claim for additional storage costs was properly denied by HUD.

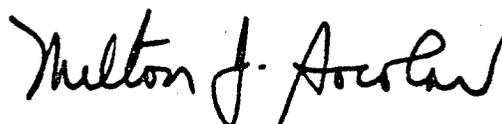
Mr. Payne asks that we consider the Meritorious Claims Act of 1928, 31 U.S.C. § 236 (1976) as a basis for his claim for storage costs. That Act allows submission to Congress of claims which may not be lawfully adjusted by use of appropriated funds but which, in our judgment, contain

~~015510~~ 114375

B-201277

such elements of legal liability or equity as to be deserving of the consideration of Congress.) 53 Comp. Gen. 157, 158 (1975).

There is nothing in the record to indicate that the United States played any role in the difficulties the claimant encountered in purchasing his house. Instead, it appears that the unanticipated storage costs were the result of actions taken by the seller of the house. Mr. Payne's recourse is against the seller. In this matter, Mr. Payne is no different from numerous other Federal employees who, for reasons either within or outside of their control, must keep their possessions in storage for more than 60 days and who also are barred from obtaining reimbursement for this expense. In the absence of any Government involvement, we find no legal or equitable basis for recommending that Congress authorize that the claimant be reimbursed for the costs of storing his goods until he took possession of his house.



For the Comptroller General  
of the United States